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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,890	04/11/2005	Victor Villagrassa	1200.729	4475
7590 Liniak Berenato Longacre & White Suite 240 6550 Rock Spring Drive Bethesda, MD 20817	02/09/2009		EXAMINER ESTREMSKY, GARY WAYNE	ART UNIT 3677
		MAIL DATE 02/09/2009		DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/530,890	VILLAGRASA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Gary Estremsky	3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 08 December 2008.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,3,5-10,12,21-28,30 and 31 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 1,5-10,12 and 31 is/are allowed.

6) Claim(s) 3,21 and 23 is/are rejected.

7) Claim(s) 22,24-28 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Objections***

1. Claims 1, 3, 5-10, 21-28, 30, and 31 are objected to because of the following informalities: While limitation of "a handle support fastened in said rear frame of said door" (for example) positively recites the rear frame as part of the invention and thereby clearly requires the rear frame of the door as part of the invention, the preamble indicates that the invention is "A handle" functionally reciting the rear frame as part of intended use. The preamble should be amended to be consistent with scope of the claimed invention as it is defined in the body of the claim, ie., including the rear frame of the door. Preamble language such as - - A handle mounted to a rear frame of a door- - or equivalent would be acceptable. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 5 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Applicant's Remarks directed to previous rejection of the claimed "small angle" feature are appreciated but it is not clear what the intended scope of the limitation is meant to include or exclude. 'As best understood', the limitation is intended to define

the claimed invention as providing for line of movement that does not have more than a small angle with respect to an axis that is perpendicular to the door. Clarification, and/or correction of the claim language and/or corresponding written description is required.

4. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 4 depends from a cancelled claim whereby its scope and meaning is not well defined.

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 3, 21, 23, and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 6,669,243 to Katoh.

7. Katoh '243 teaches Applicant's claim limitations including : a "gripping part" – 3, "groove" – small space provided therebehind that is intended for gripping, "means for transmitting the movement" – including 7, a "handle support" – including 2 which is directly connected with the handle and at least indirectly supports at least part of the movement transmission means, "guide element" – cooperating structure on rear of handle.

8. As regards claims 3 and 30, part 8 anticipates broad limitation of “panel” where “exterior” is not well defined with respect to other claimed elements in such a way as to clearly, patentably distinguish from the well known structure of the prior art where the handle would inherently be visible from the outside of the vehicle when the door is open as the assembly is illustrated on the face of the Patent until part 8 is positioned to conceal.

9. As regards claim 21, reference discloses fastening structure for attaching 8 to sides which are indirectly connected with the support of the handle.

10. As regards claim 23, the reference discloses structure that connects the handle support to the rim of the frame of the door and for connecting the panel to the rim of the door that is equivalent to the mechanical structure presently disclosed.

***Allowable Subject Matter***

11. Claims 1, 5-10, 12, and 31 are allowed.

12. The prior art doesn’t teach or make obvious all limitations particularly including a translationally-movable handle, its gripping part including groove and having equivalent linkage to that disclosed with respect to claimed “means for transmitting”, that linkage arranged substantially parallel to the gripping part of the handle and the handle mounted to a rear frame of a motor vehicle door.

13. Claims 22, 24, and 25-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

Applicant's arguments have been considered but are not entirely persuasive. Argument regarding "translational" limitation are persuasive in context of the claimed invention as a whole and rejections have been withdrawn wherever possible, but argument that prior art doesn't teach broad limitation for a door of a vehicle are not so persuasive. Contrary thereto, reference describes same at "Field of the Invention" portion of written description wherein one of ordinary skill in the art would consider the door of a glove compartment of a vehicle to be a door of a vehicle by identity. While disclosed invention might be intended for some different type door, the claim does not contain any further particular structure that can be relied on to clearly, patentably distinguish from the well known structure of the prior art. The law of anticipation requires that a distinction be made between the invention described or taught and the invention claimed. It does not require that the reference "teach" what the subject patent teaches. Assuming that a reference is properly "prior art," it is only necessary that the claims under consideration "read on" something disclosed in the reference, i.e., all limitations of the claim are found in the reference, or "fully met" by it. *Kalman v. Kimberly-Clark Corp.*, 218 USPQ 789.

***Conclusion***

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Estremsky whose telephone number is 571 272-7055. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor Batson can be reached on 571 272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gary Estremsky  
Primary Examiner  
Art Unit 3677

/Gary Estremsky/  
Primary Examiner, Art Unit 3677

<b>Search Notes (continued)</b>	Application/Control No.	Applicant(s)/Patent under Reexamination
	10/530,890	VILLAGRASA ET AL.
	Examiner	Art Unit
	Gary Estremsky	3677